



***New Jersey Office of the Attorney General***  
Division of Consumer Affairs  
State Board of Cosmetology and Hairstyling  
Regulations

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## **BOARD OF COSMETOLOGY & HAIRSTYLING CHAPTER 28**

### **SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS**

#### **13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials; license renewals; reinstatement; inactive status**

- (a) Applications for examination may be procured from the office of the Board of Cosmetology and Hairstyling.
- (b) All applications must be accompanied by satisfactory proof of age. The following are deemed to constitute such proof:
  - 1. Birth Certificate or Baptism Certificate;
  - 2. Passport, citizenship papers, immigration certificate or Alien Registration Card;
  - 3. A valid New Jersey driver's license; or
  - 4. Any other document or affidavit which constitutes a valid proof of age.
- (c) All applications must be accompanied by proof of satisfactory completion of high school or its equivalent. The following are deemed to constitute such proof:
  - 1. A high school diploma;
  - 2. A certified High School transcript substantiating successful completion of a secondary program; or
  - 3. Any other document or affidavit which constitutes reliable proof of educational attainment.
- (d) All applications must be accompanied by satisfactory proof of the attainment of the requisite training in cosmetology and hairstyling.
  - 1. Applicants obtaining their cosmetology and hairstyling training in another state or country must demonstrate, by way of certification from that state's or country's licensing authority that such training conforms substantially with the standards applicable to cosmetology and hairstyling schools in the State of New Jersey. Applicants holding a license from another state who have engaged in the practice of cosmetology and hairstyling for at least three years in that state, may submit, in lieu of documentation of cosmetology and hairstyling training, a notarized affidavit of work experience and a letter of certification of licensure by the State's board.
- (e) Application for licensure as a teacher must be accompanied by satisfactory proof of the requisite work experience in the form of affidavits from former employers.
- (f) All applications for licensure must be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1.
- (g) The Board shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for failure to renew.
- (h) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:28-5.1, prior to the date of license expiration. A licensee who submits a renewal

application within 30 days following the date of license expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:28-5.1. A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

- (i) A licensee who continues to render cosmetology and hairstyling services with a suspended license shall be deemed to be engaging in the unauthorized practice of cosmetology and hairstyling and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.
- (j) A licensee who has had his or her license suspended pursuant to (g) above who applies to the Board for reinstatement shall submit a renewal application, all past delinquent renewal fees, the reinstatement fee set forth in N.J.A.C. 13:28-5.1, and an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer. An individual whose license has been suspended for more than five years shall also retake and pass the license examination set forth in N.J.A.C. 13:28-1.2.
- (k) A licensee may, upon application to the Board, choose inactive status. A licensee electing inactive status shall not render cosmetology and hairstyling services for the entire biennial registration period. A licensee on inactive status may resume the practice of cosmetology and hairstyling upon payment of the renewal fee for the current biennial registration period set forth in N.J.A.C. 13:28-5.1.

#### **13:28-1.2 Examination and reexaminations**

- (a) Applicants shall be subject to testing in all areas of cosmetology and hairstyling appropriate for the license sought, and such examination shall be in two parts: practical and written.
- (b) Applicants must receive a passing grade on each part of the examination to obtain a license.
- (c) An applicant who fails one part of the examination shall be reexamined only on the part failed; provided, however, that an applicant applying for a cosmetology and hairstyling license pursuant to N.J.S.A. 45:5B-29 and 30 who fails one part of the examination shall retake the complete examination.
- (d) An applicant who fails the examination or fails to appear for an examination may be rescheduled for examination upon written notice to the Board. Payment of the initial fee set forth in N.J.A.C. 13:28-5.1 shall entitle an applicant to be scheduled for no more than two examinations.

#### **13:28-1.3 Temporary permits and student permits**

- (a) Upon the Board's acceptance of an application to sit for an examination, a temporary permit, which shall be valid for a period of 120 days, may be issued to an applicant.
- (b) Upon application, the Board may issue a student permit to any student registered at a licensed New Jersey cosmetology and hairstyling school or enrolled in a New Jersey State approved high school or vocational program.
  - 1. An application for a student permit shall be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1 and a certification from the school that the student has completed the requisite hours of training, as set forth in N.J.S.A. 45:5B-3(r).

#### **13:28-1.4 Application for license to teach or practice cosmetology and hairstyling by persons holding both a barber license and a beauty culture license**

- (a) Any person holding both a New Jersey State barber license and a New Jersey State beautician license may be issued a license to practice cosmetology and hairstyling upon notice to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.
- (b) Any person holding both a New Jersey State barber license and a New Jersey State license to teach beauty culture may be issued a license to teach cosmetology and hairstyling upon application to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

#### **13:28-1.5 Lost licenses**

- (a) Licensees may secure a duplicate replacement license by appearing in person at the Board's office with the following:
  - 1. Two forms of identification;
  - 2. The required fee as set forth in N.J.A.C. 13:28- 5.1; and
  - 3. A notarized affidavit indicating the circumstances under which the license was lost or destroyed.

#### **13:28-1.6 Notification of change of address**

- (a) Licensees shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. ÇSuch notice shall be sent to the Board no later than 30 days following the change of address.
- (b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).
- (c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

#### **13:28-1.7 Qualifications of teachers**

- (a) Each person desiring to teach in a school of cosmetology and hairstyling shall secure a license from the Board.
- (b) Upon request, the Board shall provide each applicant for licensure as a teacher of cosmetology and hairstyling with an application on which information pertinent to the qualifications in (c) below shall be provided.
- (c) To qualify as a candidate for licensure as a teacher of cosmetology and hairstyling, an applicant shall present satisfactory evidence to the Board that he or she:
  - 1. Is of good moral character;
  - 2. Is at least 18 years of age;
  - 3. Does not have a communicable, contagious, or infectious disease which could reasonably be expected to be transmitted during the course of teaching cosmetology and hairstyling services;
  - 4. Has completed high school or its equivalent;
  - 5. Holds a cosmetology-hairstylist license issued by the Board;

6. Has successfully completed a teacher training course of 500 hours at a licensed school of cosmetology and hairstyling approved by the Board;
7. Has successfully completed a 30 hour teaching methods course conducted by a college approved by the New Jersey Commission of Higher Education and approved by the Board;
8. Has attained six months employment experience in a licensed shop; and
9. Has successfully completed the Board examination.

## **SUBCHAPTER 2. SHOP LICENSES**

### **13:28-2.1 Applications**

- (a) Applications for a shop license may be procured at the office of the Board.
- (b) Where the application is for other than an individual proprietorship it must be accompanied by proof of the form of ownership of the shop. The following are deemed to be proof of the form of ownership:
  1. Incorporation papers;
  2. Partnership agreement; or
  3. Any other document or affidavit which constitutes reliable proof of ownership.
- (c) All applications must be accompanied by an acceptable floor plan.
- (d) Upon receipt of an acceptable application and the requisite fee as provided in N.J.A.C. 13:28-5.1, the Board shall conduct an inspection of the premises. No shop shall be permitted to operate until the Board has reviewed the inspection report and issues a shop license.

### **13:28-2.2 Removal of a shop**

- (a) Prior to the removal of a shop to another address, the holder of a shop license shall notify the Board of his or her intention and make application for a new shop license pursuant to N.J.A.C. 13:28-2.1.
  1. An acceptable application shall be received by the Board not less than three weeks prior to the intended opening date of the new shop.
  2. The practice of cosmetology and hairstyling shall not be performed on the premises of the new shop until a shop license has been issued.

### **13:28-2.3 Transfer of ownership**

- (a) Upon any transfer of ownership the holder of a shop license shall, by letter, notify the Board of the transfer, providing the name and address of the new owner. The shop license shall be surrendered to the Board as soon as the transfer of ownership is complete.
- (b) Prior to the completion of a transfer of ownership, the intended new owner shall apply for a new shop license pursuant to N.J.A.C. 13:28-2.1, except as provided in (b)1 below. The practice of cosmetology and hairstyling shall not be performed on the premises of the shop until a new shop license has been issued.

1. If a transfer of ownership by a licensed shop results from the death or disability of a principal shareholder or partner in the business entity which holds the shop license, the shop may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

#### **13:28-2.4 Renewal of shop license**

- (a) The holder of any shop license shall submit an application for renewal of that license prior to the expiration of the current license.
- (b) The Board, in its discretion, may renew shop licenses within 90 days from the date of expiration.
- (c) The Board will not renew a shop license if the application for renewal is submitted more than 90 days after the date of expiration. In such cases the shop owner shall be required to make application for an initial shop license pursuant to N.J.A.C. 13:28-2.1.
- (d) Notwithstanding the Board's renewal or restoration of an expired license, the Board may initiate whatever penalty action it may deem appropriate for the operator of a shop without a valid license.

#### **13:28-2.5 Physical requirements for cosmetology and hairstyling shops applying for initial shop license on or after December 4, 1985**

- (a) All licensed premises shall contain at least 350 square feet of floor space. An additional 50 square feet of floor space shall be provided for every work station in excess of two.
  1. Each shop shall contain at least one lavatory. Lavatories shall include a toilet, hand washing facilities and a door.
  2. All shops must contain the following:
    - i. At least one shampoo basin with hot and cold running water and a reclining chair;
    - ii. A dry sterilizer for each work station;
    - iii. A wet sterilizer for each work station;
    - iv. A closed container for clean linens;
    - v. A closed container for soiled linens;
    - vi. Hair drying facilities;
    - vii. A dispensary or place where supplies are prepared and dispensed; and
    - viii. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.
- (b) Shops shall display a permanent sign indicating the name of the shop, which shall be clearly visible to the general public from the exterior of the shop.
- (c) Where application is made to issue a new shop license for premises that had been licensed by the former Board of Barber Examiners or the former Board of Beauty Culture Control, and the shop premises do not meet the minimum requirements of this section, the Board may, in its discretion, waive one or more of the requirements of this section for good cause shown. Such waiver will not be granted where the failure to meet minimum requirements may result in the inability of the shop owner to provide authorized services in a safe and sanitary manner.

### **13:28-2.6 Physical requirements for manicuring shops applying for initial shop license**

- (a) In addition to meeting the requirements of the introductory paragraph in N.J.A.C. 13:28-2.5(a) and of N.J.A.C. 13:28-2.5(a)1, (b) and (c), all manicuring shops shall contain the following:
1. At least one sink in the work area with hot and cold running water;
  2. A dry sterilizer for each work station;
  3. A wet sterilizer for each work station;
  4. A closed container for clean linens;
  5. A closed container for soiled linens;
  6. A dispensary or place where supplies are prepared and dispensed; and
  7. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.
- (b) Each shop shall ensure that there is at least one experienced practicing licensee, as defined in N.J.S.A. 45:5B-11(a), (b) or (c), present to generally oversee the management of the shop.
- (c) All licensed manicuring shops shall display the following notice in a location clearly visible to all patrons:

#### **NOTICE**

This shop and the operators herein are licensed to engage in the practice of manicuring by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

### **13:28-2.6A Physical requirements for skin care specialty shops applying for initial shop license**

- (a) In addition to meeting the requirements of the introductory paragraph in N.J.A.C. 13:28-2.5(a) and of N.J.A.C. 13:28-2.5(a)1, (b) and (c), all skin care specialty shops shall contain the following:
1. At least one sink in the work area with hot and cold running water;
  2. A dry sterilizer for each work area;
  3. A wet sterilizer for each work area;
  4. A closed container for clean linens;
  5. A closed container for soiled linens;
  6. A dispensary or place where supplies are prepared and dispensed; and
  7. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.
- (b) Each skin care specialty shop shall ensure that there is at least one experienced practicing licensee, as defined in N.J.S.A. 45:5B-11(a), (b) or (d), present to generally oversee the management of the shop.



- (c) All licensed skin care specialty shops shall display the following notice in a location clearly visible to all patrons:

**NOTICE**

This shop and the operators herein are licensed to provide skin care specialty services by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the matter in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

**13:28-2.7 Shops within residential premises**

- (a) No portion of any licensed shop shall be used as a portion of a private residence.
- (b) Entrances to shops located within private residences must permit patrons to enter the shop directly, without requiring passage through any portion of the residence.
- (c) No services encompassed within the definition of cosmetology and hairstyling services shall be rendered or offered to be rendered upon residential premises which are not licensed pursuant to N.J.S.A. 45:5B-9.

**13:28-2.8 Leasing space prohibited**

No holder of a shop license shall lease or sublease space or provide space on the licensed premises to a non-employee for the purpose of providing cosmetology and hairstyling services or ancillary services as part of a separate business to be conducted by the non-employee. Practices commonly known as chair rentals or booth rentals are prohibited by this section.

**13:28-2.9 Sale of merchandise**

The holder of a shop license may permit the sale of merchandise within licensed premises, provided that space allocated for such sales is in addition to the space required by N.J.A.C. 13:28-2.5, 2.6, or 2.6A.

**13:28-2.10 Ancillary services**

- (a) The holder of a shop license, other than a manicuring shop license or a skin care specialty shop license, may offer ancillary services related to the beautification of the body or the enhancement of personal appearance, but not included in the definition of cosmetology and hairstyling, on the licensed premises, provided that these services are performed in a safe and sanitary manner by personnel who are adequately trained to render such services, and that the space allocated for such services is in addition to the space required by N.J.A.C. 13:28-2.5.
- (b) If electrolysis for the removal of superfluous hair is offered, it must be performed by an electrologist who has completed either a course or program of training in electrolysis approved by the New Jersey State Department of Education or another course or program of training in electrolysis substantially equivalent to a course or program approved by the New Jersey Department of Education.
- (c) If tanning booths or tanning beds are utilized, they must be operated by an individual who is appropriately trained in the use of the tanning equipment. Manufacturer's instructions concerning the use and limitations on the use of the tanning equipment must be scrupulously followed.

1. Appropriate warnings concerning possible hazards from over-exposure to ultraviolet radiation must be posted in plain sight near the equipment and clients using the equipment must be verbally informed of such possible hazards.
- (d) Permanent cosmetic application such as, but not limited to, tattooing and permanent make-up, is prohibited on any licensed premises.
- (e) Body piercing shall not be performed in any licensed shop or school of cosmetology and hairstyling. For purposes of this section, “body piercing” means puncturing or penetrating any part of a person’s body with a needle or other instrument for the purpose of inserting jewelry or another object into the body except for piercing of the ear lobe only using a pre-sterilized single use stud and clasp ear piercing system following manufacturer’s instructions.

**13:28-2.11 No ancillary services at licensed manicuring shops or licensed skin care specialty shops**

- (a) The holder of a manicuring shop license shall not offer on the licensed premises any ancillary services related to the beautification of the body or the enhancement of personal appearance or any services contained within the definition of cosmetology as set forth in N.J.S.A. 45:5B-3(j) except for the following:
  1. Manicuring the fingernails;
  2. Nail-sculpturing;
  3. Pedicuring the toenails; or
  4. Removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezing, but not by the use of electrolysis.
- (b) The holder of a skin care specialty shop license shall not offer on the licensed premises any ancillary services related to the beautification of the body or the enhancement of personal appearance or any services contained within the definition of cosmetology as set forth in N.J.S.A. 45:5B-3(j) except for the following:
  1. Applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the scalp, face or neck;
  2. Massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
  3. Removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezing, but not by the use of electrolysis.

**13:28-2.12 Posting of licenses and required notices**

- (a) All shops shall display the following in a location clearly visible to all patrons:
  1. The shop license;
  2. Licenses for all practitioners rendering services within the shop. Each license shall contain a current picture of the licensee. A licensee’s wallet identification card issued by the Board shall not be used to satisfy the requirements of this section; and
  3. A listing of all services performed and the charges for each service.

- (b) All licensed shops other than manicuring shops and skin care specialty shops shall display the following notice:

**NOTICE**

This shop and the operators herein are licensed to engage in the practice of cosmetology and hairstyling by the State of New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling at 124 Halsey Street, Newark, New Jersey 07102, or the New Jersey Division of Consumer Affairs, Post Office Box 45003, Newark, New Jersey 07101.

**13:28-2.13 Supervision of shops and absence of experienced practicing licensee**

- (a) Each cosmetology and hairstyling shop shall ensure that there is at least one experienced practicing licensee present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist.
- (b) Each manicuring shop shall ensure that there is at least one experienced practicing licensee present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or manicuring license and have three years of experience as a beautician, barber, cosmetologist or manicurist.
- (c) Each skin care specialty shop shall ensure that there is at least one experienced practicing licensee present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or skin care specialty license and have three years of experience as a beautician, barber, cosmetologist or skin care specialist.
- (d) A shop which satisfies the requirements of (a) above by employing a practicing licensee who holds a barber license shall be prohibited from employing senior students unless the shop employs a practicing licensee who holds a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist, who shall supervise the rendering of cosmetological services by the senior students.
- (e) A letter of permission shall be issued by the Board to allow a shop owner to operate his licensed shop for one day per week without the services of an experienced practicing licensee.
  - 1. The shop owner shall furnish the Board with the name and license number of a New Jersey licensee, who has been licensed in the State for at least one year, who will be in charge of the licensed shop in the absence of the experienced practicing licensee.
  - 2. This subsection is intended specifically to allow continuous operation of the licensed shop on the experienced practicing licensee's regularly scheduled day off. The day of the week must remain consistent. If the licensed shop owner desires to change his licensee-in-charge or experienced practicing licensee's day off, he must request a new letter of permission. The Board requires 30 days notice prior to approving any change.
- (f) A letter of permission will be issued by the board to allow a shop owner to operate his licensed shop for a period of two weeks without the services of an experienced practicing licensee.
  - 1. The shop owner shall furnish the Board with the name and license number of a New Jersey licensee, who has been licensed in the State for at least one year who will be in charge of the licensed shop in the absence of the experienced practicing licensee.

2. This subsection is intended specifically to allow continuous operation of the licensed shop during the experienced practicing licensee's vacation period. ¶The Board will require 30 days notice before any vacation period will be approved.
3. No more than two vacation periods per year will be approved for a given shop.

### **13:28-2.14 Unlicensed personnel**

- (a) The holder of a shop license shall not aid, abet, or permit a person not licensed by the Board to render any services encompassed within the definition of cosmetology and hairstyling pursuant to N.J.S.A. 45:5B-1 et seq.
- (b) Violation of the provisions set forth in this section shall constitute an unlawful practice by a shop owner pursuant to N.J.S.A. 45:5B-13(d).

### **13:28-2.15 Prohibited practices**

- (a) The use of a credo blade, skin scraper, lancet, or other comparable instrument by a practitioner shall be prohibited on any licensed premises.
- (b) Any practitioner using a credo blade, skin scraper, lancet, or other comparable instrument shall be deemed to be rendering services in an unsafe and unsanitary manner.
- (c) A holder of a shop license shall be deemed to have engaged in an unlawful practice pursuant to N.J.S.A. 45:5B-13(e) if he or she aids, abets, or permits a practitioner to use a credo blade, skin scraper, lancet, or other comparable instrument.
- (d) Massaging, cleansing or stimulating the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis shall be prohibited on any licensed premises.
- (e) Any practitioner who massages, cleanses or stimulates the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis shall be deemed to be engaging in unlawful practice by rendering services in an unsafe and unsanitary manner.
- (f) A holder of a shop licensed shall be deemed to be engaging in unlawful practice pursuant to N.J.S.A. 45:5B-13(e) if he or she aids, abets or permits a practitioner to massage, cleanse or stimulate the skin with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, affecting the living cells of the epidermis.

## **SUBCHAPTER 3. SAFETY AND SANITATION**

### **13:28-3.1 Premises**

- (a) All licensed shops, including lavatories therein, shall be properly lighted and ventilated.
- (b) All licensed shops shall have an adequate supply of potable water.
- (c) All licensed shops shall dispose of wastes in a manner which shall not pose a public health hazard.
- (d) All licensed shops and the furniture, fixtures, equipment and supply cabinets therein shall be maintained in a sanitary manner and in good repair. Floors shall be thoroughly cleaned daily.

- (e) All linens and toweling used within a licensed shop shall be laundered and sanitized before each and every direct contact with a patron. In lieu of laundered and sanitized linens, disposable toweling may be used.
- (f) All tools, implements and electrical appliances used within a licensed shop shall be maintained in a sanitary and safe manner. Tools and utensils applied directly to patrons shall be thoroughly cleaned and sanitized after each and every use in accordance with the provisions of N.J.A.C. 13:28-3.2.

### **13:28-3.2 Sanitizing implements and tools**

- (a) A licensee shall sanitize all implements and tools by:
  - 1. Cleaning all instruments thoroughly with a mild alkaline detergent to remove any soil, blood or any other foreign material;
  - 2. Rinsing all instruments with tap water after cleaning;
  - 3. Processing all instruments with a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal or effective against the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus (HBV) when used at a recommended dilution;
  - 4. Following a manufacturer's instructions when using chemical disinfectant; and
  - 5. Storing clean instruments in a dry sanitizer.
- (b) A licensee shall discard after each use all emery boards that cannot be sanitized.

### **13:28-3.3 Personnel**

- (a) All practitioners shall wash their hands before and after serving each patron.
- (b) All practitioners shall be attired in clean outer garments.
- (c) No practitioner shall serve a patron if the practitioner has a communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.
- (d) No practitioner shall serve a patron whom the practitioner knows or has reasonable grounds to believe has a communicable disease which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.
- (e) All practitioners shall utilize safe practice techniques and follow manufacturers' instructions when utilizing any chemical preparations in the rendering of cosmetology and hairstyling services.
- (f) No practitioner or patron shall smoke while services are being performed.

### **13:28-3.4 Prohibited products**

- (a) No licensee, licensed premise or school of cosmetology and hairstyling shall utilize any product that contains methyl methacrylate monomer.
- (b) Any violations of the provisions of this section shall constitute a deviation from the normal standards of practice required of a licensee, licensed premise or school of cosmetology and hairstyling, and shall subject a licensee, licensed premise or school of cosmetology and hairstyling to the penalties of N.J.S.A. 45:1-25.

## **SUBCHAPTER 4. ENFORCEMENT**

### **13:28-4.1 Inspection of premises**

- (a) Any premises where it appears that cosmetology and hairstyling services have been or are being rendered shall be subject to inspection by the Board or its representative.
- (b) All documents maintained pursuant to this chapter shall be available for immediate inspection and photocopying by the Board or its authorized representative.
- (c) The Board or its authorized representative may photograph any person rendering services present during an inspection conducted pursuant to this subchapter.
- (d) At the time of any inspection conducted pursuant to this subchapter, the Board or its authorized representative may serve a Notice of Violation and Notice to Appear Before the Board upon the shop owner(s), the experienced practicing licensee(s) in charge of the shop, and any individual observed to be engaging in conduct in violation of pertinent statutes and rules.

### **13:28-4.2 Compliance with laws and rules**

Any individual rendering cosmetology and hairstyling services shall comply with all laws and rules relating to the provision of cosmetology and hairstyling services including, the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq., the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28, the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, 14 et seq. and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C.

### **13:28-4.3 Responsibility for compliance with laws and rules**

The holder of a shop license, as well as the shop's supervisor, shall be responsible for compliance with all laws and rules relating to the operation of the premises at which cosmetology and hairstyling services are rendered and all laws and rules relating to the practice of cosmetology and hairstyling including, the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq., the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, 14 et seq., and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C.

### **13:28-4.4 Verification of licensure**

- (a) The holder of a shop license shall verify that each practitioner rendering cosmetology and hairstyling services in the shop holds a valid license or permit issued pursuant to this subchapter at all times. The holder of a shop license shall review each practitioner's license or permit as well as two additional forms of identification, at least one of which must bear a photograph of the practitioner.
- (b) The holder of a shop license shall record each occasion upon which he or she verifies licensure or permit status pursuant to (a) above. The record shall include the following information:
  - 1. The date of verification attempt;
  - 2. The identification of each practitioner;
  - 3. The license or permit number; and
  - 4. Photocopies of identification reviewed for verification purposes.

- (c) The holder of a shop license shall have the documentation maintained pursuant to (b) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.
- (d) The holder of a shop license shall maintain the documentation pursuant to (b) above for at least two years from the date of each record.
- (e) Violation of the provisions set forth in this section shall constitute the aiding, abetting or permitting of unlicensed practice pursuant to N.J.A.C. 13:28-2.14 and N.J.S.A. 45:5B-13(d).

### **13:28-4.5 Record of practitioners**

- (a) The holder of a shop license shall at all times maintain a record of all practitioners rendering services within the shop which contains the following information for each practitioner:
  - 1. Full name and any aliases;
  - 2. Street address;
  - 3. Telephone number;
  - 4. Social security number; and
  - 5. Date upon which practitioner commenced services.
- (b) The holder of a shop license shall have the documentation maintained pursuant to (a) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.
- (c) The holder of a shop license shall maintain the documentation pursuant to (a) above for at least two years from the date upon which each practitioner terminated services.

## **SUBCHAPTER 5. FEES**

### **13:28-5.1 Fee schedule**

- (a) The following fees will be charged by the Board:

1. Student permit .....	\$5.00
2. Student registration card .....	\$5.00
3. Temporary permit .....	\$20.00
4. Examination fee (includes application fee) .....	\$50.00
5. Initial license fee (individual)	
i. If paid during the first year of a renewal cycle .....	\$60.00
ii. If paid during the second year of a renewal cycle .....	\$30.00
6. Biennial license renewal (individual) .....	\$60.00
i. Inactive renewal status (Fee to be determined by the Director)	
7. Shop license application fee (includes shop inspection fee).....	\$150.00

8. Initial license fee (shop)
  - i. If paid during the first year of a renewal cycle ..... \$130.00
  - ii. If paid during the second year of a renewal cycle ..... \$65.00
9. Biennial license renewal (shop) ..... \$130.00
10. School license application fee (includes school inspection fee) ..... \$250.00
11. Initial license fee (school)
  - i. If paid during the first year of a renewal cycle ..... \$300.00
  - ii. If paid during the second year of a renewal cycle ..... \$150.00
12. Biennial license renewal (school) ..... \$300.00
13. Annex classroom application fee (if not submitted with school application) ..... \$250.00
14. Initial license fee (annex classroom)
  - i. If paid during the first year of a renewal cycle ..... \$300.00
  - ii. If paid during the second year of a renewal cycle ..... \$150.00
15. Biennial license renewal (annex classroom) ..... \$300.00
16. Endorsement (plus license fee) ..... \$100.00
17. Late fee ..... \$30.00
18. Reinstatement fee ..... \$50.00
19. Duplicate license ..... \$30.00

## **SUBCHAPTER 6. SCHOOLS OF COSMETOLOGY AND HAIRSTYLING**

### **13:28-6.1 Compliance with laws and rules**

Licensed schools shall comply with all laws and rules relating to the practice of cosmetology and hairstyling, including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq., the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, 14 et seq. and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C. Any school violating any provision of this chapter shall be subject to disciplinary action by the Board. A notice of proposed suspension or revocation of a license shall inform the licensee of the right to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

### **13:28-6.2 Application procedure for school licenses**

- (a) When a request is received by the Board for information regarding initial licensure of a school, an application, bond forms, a school bulletin and an evaluation criteria work sheet will be forwarded to the individual requesting the information along with a copy of the school rules and regulations.
- (b) Upon receipt of a completed application the School Committee shall review the application. A complete application shall include: a school bond; school bulletin; a certificate of incorporation or partnership agreement where applicable; personnel data form(s); floor plan; employment contract



(one year minimum) with the supervising teacher; hour by hour breakdown of the course; a sample enrollment agreement (contract); sample certificate of completion; sample advertisements; certified-audited financial data; and the required licensing fee as set forth in N.J.A.C. 13:28-5.1.

- (c) Upon approval of the initial application by the School Committee, the prospective owner(s) and the supervising teacher shall appear before the full Board for an interview. Upon completion of the interview, the Board will approve or disapprove the application.
  - 1. If the application is approved, approval will be granted subject to the completion of a satisfactory school inspection and satisfaction of all minimum square footage and equipment requirements as set forth in N.J.A.C. 13:28-6.7(a) and 13:28-6.20(b).
- (d) Upon approval of the initial application for school licensure and satisfactory completion of the school inspection, an initial cosmetology and hairstyling school license shall be issued for the current registration period.

### **13:28-6.3 Student registration**

Students shall not be registered at a school until such time as that school has been licensed.

### **13:28-6.4 Name of school; advertisements; signs**

- (a) School advertisements shall set forth the name and address of the school as it appears on the license for that school.
- (b) False or misleading statements in school advertisements or any statement appearing in school advertisements endeavoring to influence the public to enroll in the school through the use of the name “”State Board of Cosmetology and Hairstyling”, other than advertising that the school is licensed and governed by the rules of the Board, are prohibited.
- (c) Each school shall display, at the main entrance, a sign indicating that the establishment is a school of cosmetology and hairstyling.
- (d) A private school of cosmetology and hairstyling should exercise great care in the selection of the name of the school.
  - 1. No new or modified school name shall infringe on the name of another existing school.
  - 2. No school, proposed or previously licensed, shall adopt any title or name commonly accepted as descriptive of collegiate or university institutions.
  - 3. No new or modified school name shall contain any word or phrase referencing a political subdivision, geographical area, the State of New Jersey, county of location, or municipality closely associated with the location of the school.

### **13:28-6.5 School shops**

Schools of cosmetology and hairstyling are prohibited from operating shops in conjunction with, or as a part of, the school administration.

### **13:28-6.6 Separate entrance for shop located on school premises**

Where any person, organization, corporation, association or partnership has any interest in both a licensed school and a licensed shop and both operations are conducted on the same premises the licensed school and the licensed shop shall have separate and distinct entrances.

### **13:28-6.7 Size of schools; number of students**

- (a) Each school shall have at least 2,750 square feet of floor space, consisting of at least 500 square feet for offices, reception area and locker space separate and apart from the lavatories, and at least 2,250 square feet for working space.
  - 1. The total number of students in the first 2,250 square feet of working space is limited to 100 students.
  - 2. For every student thereafter there shall be 20 square feet of floor space per cosmetology and hairstyling or manicuring student, but there shall be 25 square feet of floor space per skin care specialty student.
- (b) The Board may conduct inspections at any time to determine the maximum number of students that any school may have in attendance. In determining this maximum number, the Board shall apply the formula set forth in (a) above.
- (c) No school shall be permitted under any circumstances to have in attendance any student beyond the maximum number approved.

### **13:28-6.8 Student registration cards**

- (a) A request shall be submitted by the school to the Board for a student registration card.
  - 1. This request shall be submitted on application forms to be provided by the Board. The application shall contain a declaration of the student's assigned class schedule as approved by the school director. Any change of the student's assigned class schedule shall be reported to the Board in writing.
  - 2. Upon completion of the form in (a)1 above, the form shall be returned to the Board together with a photograph for each student, measuring 1 1/2 inches by 1 3/4 inches, and proof of the student's legal name, date of birth and the required fee.
- (b) A student registration card is valid from the date of issue until the particular student's education is completed in the course in which the student is enrolled, as long as the student is not absent from school for a period of more than three months.
  - 1. In instances where absences exceed three months, the student shall be dropped from the school's time sheets and must obtain a new registration card, pursuant to N.J.A.C. 13:286.21(n), in order to resume training.
- (c) The school shall submit applications for student registration cards at least two weeks in advance of the authorized monthly starting date.
  - 1. In instances where this is not possible and a registration card is not received prior to the monthly starting date, a school may allow a student to attend classes, provided that an application for a student registration card has been submitted to the Board office on or before the authorized monthly starting date. No student shall be permitted to continue to attend classes in this manner for more than 30 days. If, for any reason, the student registration card is not issued during that period, the student's training shall be discontinued until a registration card is issued.

### **13:28-6.9 Non-English speaking student enrollment**

- (a) A licensed school shall evaluate each non-English speaking student to determine whether such student is likely to succeed in the intended course of study. Upon such determination being made, the school may enroll the non-English speaking student.
- (b) The Board approved enrollment agreement and application for student registration must specify the language in which the course will be offered.
  - 1. The licensed school shall submit the text of the enrollment agreement to the Board for approval before the school may require students to sign the enrollment agreement.
  - 2. The enrollment agreement shall be printed in the language in which the course will be offered and the student shall be provided with a copy of it.
- (c) Schools offering courses in languages other than English shall employ an appropriately licensed teacher who is fluent in the English language and in the language in which the course is offered. The school's records shall contain evidence that the teacher is sufficiently qualified to adequately provide instruction in the non-English language.
- (d) Instruction materials, for example, textbooks, and demonstration materials, shall be printed in the language in which the course will be offered.
- (e) Final testing and periodic examinations required to be taken by the non-English speaking student shall be given in that particular student's language.
- (f) At no time shall instruction conducted in a foreign language take place contemporaneously with instruction conducted in English within the same classroom.

### **13:28-6.10 Commencement of classes**

School classes shall commence on the first Monday of each month, provided, however, that if a holiday falls on the first Monday, school classes shall commence on the first working day following the holiday. The Board may, at its discretion, approve a date for the commencement of school classes other than the first Monday of each month provided the licensed school obtains Board approval at least 30 days prior to the commencement of classes.

### **13:28-6.11 School credits by hour**

- (a) School hour credits shall not be granted for more than 40 hours of regularly scheduled class time in any calendar week.
- (b) A student may be given credit for up to eight hours of make-up classes in excess of his or her regularly scheduled classes where such make-up time is necessary because of absence of the student from his or her regularly scheduled classes.
  - 1. Each school shall submit a schedule of day or night make-up hours to be approved by the Board.

### **13:28-6.12 Training schedules**

- (a) The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

1. “Full-time student” means a student who regularly attends classes more than 20 hours a week, Monday through Friday inclusive.
  2. “Part-time student” means a student who regularly attends classes 20 hours or less per week, Monday through Friday inclusive.
- (b) Any part-time student may attend classes on Saturday upon approval by the school director.
- (c) Any student who is absent from a regularly scheduled class may attend a designated make-up class upon approval by the school director, provided that the total class hours for any week shall not exceed 48.

### **13:28-6.13 School schedules**

- (a) Each school shall submit a schedule of proposed classes including hours of instruction to be taught during the school year. This schedule must be approved by the Board prior to implementation.
1. Board approval will not be granted for school class sessions of less than three hours daily.
  2. A copy of the approved schedule of classes shall be kept on the school premises at all times.
- (b) The Board shall be advised one month in advance of any proposed change in the schedule of classes.

### **13:28-6.14 Smoking in schools**

Schools shall not permit smoking by students or teachers in classrooms or clinics.

### **13:28-6.15 School records**

- (a) Each school shall maintain a register of all students and check students’ attendance twice daily.
- (b) Each school shall keep a detailed record of students’ attendance at classes and subjects taught at these classes.
- (c) All school records relating to students shall be maintained for a period of five years. All records shall be maintained in a manner and condition subject to convenient inspection by inspectors or members of the State Board.
- (d) Uniform student sign-in sheets shall be kept on a daily basis and shall be retained on the school premises at all times.
1. Uniform time sheets of daily attendance records for each student shall be forwarded to the office of the Board at the end of each month.
- (e) School rules and regulations and copies of current cosmetology and hairstyling laws and rules of the State of New Jersey shall be maintained by each school in a location readily accessible to the students and management.

### **13:28-6.16 Other trades; demonstrations**

- (a) Trades or professions other than the teaching of cosmetology and hairstyling shall not be practiced on the premises of a licensed school.
- (b) A school shall not rent space for demonstrations to outside companies, individuals, corporations, associations, partnerships or other entities unless such space is in excess of the required minimum

footage for school premises pursuant to N.J.A.C. 13:28-6.7. Demonstrations shall not conflict with the regular school operation.

#### **13:28-6.17 Transfer of school business, relocation, renewal**

- (a) When a duly licensed school moves to a new location or undergoes a transfer of ownership, the school shall give notice to the Board as soon as practicable, pursuant to N.J.S.A. 45:5B-36, and shall submit an initial application for licensure.
- (b) In the case of a move by a duly licensed school to a new location, the Board may waive any provisions of this subchapter relating to the initial application for licensure of schools which the Board in its discretion deems to be unduly burdensome under the circumstances of the particular move. The Board may permit the new school to operate pending completion of the application process to obtain a new license.
- (c) In the case of a transfer of ownership by a licensed school, the new school shall not commence operations until the provisions of this subchapter relating to the initial application for licensure of schools are satisfied, except as provided in (c)1 below.
  - 1. If a transfer of ownership by a licensed school results from the death or disability of a principal shareholder or partner in the business entity which holds the school license, the school may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

#### **13:28-6.18 Supervising teacher**

A proposed new school shall supply the Board with satisfactory evidence, in the form of a one-year employment contract, of employment of a supervising teacher prior to final approval of its application by the Board.

#### **13:28-6.19 Branch schools licensed separately**

All premises used as a licensed school, including each and every branch school, must be licensed separately.

#### **13:28-6.20 Minimum equipment**

- (a) Each school shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations.
- (b) The minimum equipment required for schools shall be as follows:
  - 1. Six shampoo bowls in good running condition;
  - 2. One straightening apparatus;
  - 3. Six manicure tables;
  - 4. Three marcel ovens and irons or three electronically controlled marcel irons;
  - 5. Six hair dryers;
  - 6. One container for liquid sterile solution for each manicure table;
  - 7. One ultraviolet sterilizer and three dry sterilizers;

8. Four wet sterilizers;
  9. Six canvas or styrofoam blocks;
  10. One practice manikin per student;
  11. One reclining facial chair;
  12. A utility table with disposable sanitary covering;
  13. A make-up stool;
  14. A facial steamer;
  15. A suction machine;
  16. A galvanic machine;
  17. A magnifying lamp;
  18. An electric brushing machine;
  19. An electric heating mask;
  20. A waxing machine;
  21. A spray machine;
  22. A Wood's lamp;
  23. A high frequency instrument;
  24. Robes for clinic patrons;
  25. A barber chair.
  26. A latherizer, one hone, one strop and electric clippers;
  27. One student locker for each pupil with provisions for security of students' equipment in the locker rooms;
  28. Separate lavatories for men and women with toilets and with sinks having hot and cold running water; and
  29. One teachers' lavatory for schools having three or more teachers.
- (c) Each school shall supply each cosmetology and hairstyling student with the following tools: two hair brushes, combs, 100 clips, cape, razor, shears, thinning shears, cold wave rods, end papers, rollers, tint brush or applicator bottle, hard rubber comb, marcel iron, blow dryer, protective eyewear, protective gloves, a manicuring kit with tips and wraps, a make-up kit, a tweezer, a cold wax kit, workbook and textbook.
- (d) Each school shall supply each manicuring student with a kit having a pusher, files, emery boards, nipper, nail brush, orange wood stick, spatula, tips, wraps (non-adhesive), adhesive, sterilizer, finger bowl, appropriate creams, nail polish remover, styptic powder or liquid, protective eyewear, pedicure slippers, workbook, textbook, a tweezer, a cold wax kit, and a practice hand.
- (e) Each school shall supply each skin care specialty student with a kit having one textbook, one workbook, one protective cloth drape, one pair of protective gloves, protective eyewear, two headbands, one shoulder cape, one package of cotton swabs, one roll of cotton, one box of tissues,

six cleansing sponges, one package facial cotton pads, three spatulas, one sterilizer container with lid, a tweezer, a cold wax kit, one make-up kit, one set of makeup brushes, three terry cloth towels, one bottle of alcohol, one bottle of antiseptic, two 20-ounce bowls and one container of each of the following: cleansing cream, astringent, massage cream, moisturizer and all purpose masque.

- (f) All student kits are to be inspected by teachers and kept in sanitary condition.
- (g) Each school shall have a sufficient supply of working places, chairs, mirrors, shelves, facilities, blackboards and charts as required for students who take notes on lectures.
- (h) Each school shall have separate, closed cabinets for supplies as follows:
  - 1. At least two closed containers for soiled linens;
  - 2. At least three closed containers for all waste materials;
  - 3. Sufficient supply of properly labeled lotion containers with tops or covers.
- (i) Each school shall have separate classrooms for junior and senior students, separate classrooms for different specialties, as well as separate classrooms if classes are taught in a language other than English.
- (j) Each school shall provide furnishings and supplies sufficient to accommodate and properly teach its students.
- (k) Any equipment which may be hazardous to operate shall be used by a student only when there is a licensed teacher in the room.
- (l) Each school shall install a bulletin board in a location which is readily accessible to all persons. All notices and school rules and curricula shall be posted on the bulletin board.

### **13:28-6.21 Student standards and requirements**

- (a) An application for student registration and all training courses administered by licensed schools shall be accompanied by proof, by affidavit or otherwise, that the particular student has been informed that he or she must meet the minimum requirements for admission to licensing examination and that an examination must be taken and successfully completed. A copy of this notification must be retained in the student personnel file.
- (b) Students and teachers shall be attired in washable clean coverall outer garments during attendance at school.
- (c) Junior and senior students, and those enrolled in a teacher training course, shall be designated by the following forms of identification:
  - 1. Junior students: white uniform and a badge designating course of study;
  - 2. Senior students: a uniform of one color other than white to be designated by the school and a badge designating course of study;
  - 3. Teacher training and all others: identification badge.
- (d) Junior and senior students shall be distinguished as follows:
  - 1. Junior cosmetology and hairstyling students are those students who have completed less than 600 hours of their courses in cosmetology and hairstyling;

2. Senior cosmetology and hairstyling students are those students who have completed 600 hours or more in their courses in cosmetology and hairstyling;
  3. Junior manicuring students are those students who have completed less than 50 hours of their course in manicuring;
  4. Senior manicuring students are those students who have completed 150 hours or more of their course in manicuring;
  5. Junior skin care specialty students are those students who have completed less than 300 hours of their courses in skin care; and
  6. Senior skin care specialty students are those students who have completed 300 hours or more of their courses in skin care.
- (e) Upon filing and acceptance by the Board of applications for permission to enroll in a teacher training course, student registration cards shall be issued by the Board. Students enrolled in a teacher training course shall comply with all Board rules and the rules of the particular school.
  - (f) Each student shall sign the register each time he or she enters and leaves the school.
  - (g) Any student who is more than ten minutes late for class shall be penalized one hour unless the tardiness is due to an emergency condition as explained by the student, in writing, at the time of his or her attendance at that class.
  - (h) Failure of any student to observe school rules and regulations shall be considered sufficient justification for expulsion. A student who is expelled may request a hearing before the Board. Where good cause is demonstrated, a hearing may be scheduled.
  - (i) A school shall notify the Board of all students whose training may be interrupted or terminated prior to graduation.
  - (j) Upon a student's completion of the curriculum and his or her graduation, the school shall certify this information to the Board and shall make such notation on the monthly time sheets submitted by the school.
  - (k) Failure of a school or student to comply with any provision of N.J.A.C. 13:28-6.21 may result in the Board's refusal to recognize credit hours claimed by or for a student and disqualify that student for examination by the Board.
  - (l) A student who desires to transfer to another school shall notify the Board of his or her intention at least two weeks in advance of the proposed transfer.
    1. Upon application for a transfer, the new school shall conduct an evaluation to determine the number of hours for which the student may be credited and advise the Board of the results of the evaluation.
    2. Credit hours for cosmetology and hairstyling training in out-of-state schools will be granted if such schools are approved by the Board.
  - (m) The school to which the student transfers shall submit to the Board an application for a new student registration number.
  - (n) Any student who is absent from school over a period of three months shall automatically be dropped from the monthly time sheets.



1. A student requesting reinstatement shall be re-registered in accordance with N.J.A.C. 13:28-6.8.
  2. The school may petition the Board for an adjustment with respect to credit hours to which a student may be entitled upon reinstatement.
  3. No credit of hours will be given to any student who is absent from school for a period of five years or more.
- (o) Examinations shall be administered by the school to the student prior to completion of his or her course in accordance with the standard procedures followed by public educational institutions in the State in all courses of instruction. The examination shall be written and practical.
- (p) All students shall complete a course of study in conformance with the curricula adopted by the Board.
- (q) All students who successfully meet the requirements of this section shall be issued a diploma by the school.

#### **13:28-6.22 Application submission by schools**

The school shall submit applications for each student for examination within 30 days after the student's completion of the course of study. Each application must be accompanied by two recent photographs, a copy of a high school or equivalency diploma and the appropriate fees pursuant to N.J.A.C. 13:28-5.1.

#### **13:28-6.23 Number of teachers employed; teacher restrictions**

- (a) The number of teachers a school shall employ shall be determined in the following manner:
1. A minimum of one licensed teacher for every clinic area attended by up to 25 senior students (whether cosmetology and hairstyling, manicuring, or skin care specialty students);
  2. A minimum of one licensed teacher for every clinic area attended by up to 25 senior skin care specialty students when the skin care specialty students attend a clinic area apart from the other students;
  3. A minimum of one licensed teacher for every classroom attended by up to 25 junior cosmetology and hairstyling students;
  4. A minimum of one licensed teacher for every classroom attended by up to 25 manicuring students;
  5. A minimum of one licensed teacher for every classroom attended by up to 25 junior skin care specialty students.
- (b) Teachers shall devote their entire time during school hours to the proper instruction of students and shall not engage in private or public practice of cosmetology and hairstyling during school hours. Teachers licensed by the Board shall be in constant attendance at all classes conducted by licensed schools.
- (c) Schools offering instruction in a language other than English may be required to employ additional teachers pursuant to N.J.A.C. 13:28-6.9(f).
- (d) A substitute teacher licensed by the Board shall be in attendance when a regular teacher is absent.

- (e) A teacher shall immediately inform the Board in writing of the termination or interruption of services performed by him or her for a school.

#### **13:28-6.24 Employment of licensed teachers**

- (a) A school shall permit only a licensed teacher or a registered teacher training student, under the direct supervision of a licensed teacher, to teach its students; provided, however, a demonstrator may demonstrate new processes, preparations and appliances to a class of school students if such demonstration is supervised by a licensed teacher at the school.
  - 1. For purposes of this section, “direct supervision” means that the licensed teacher is physically present in the room at all times during the teacher training student’s instruction and is immediately available to provide assistance, if necessary.
- (b) Each school shall employ a teacher supervisor who has been a licensed teacher actively teaching for a period of two years who will be responsible for the conduct of the teaching staff and students.
- (c) Each school shall submit a list of its teachers and registered teacher training students to the Board and advise the Board in writing immediately of changes in its teaching staff.

#### **13:28-6.25 Refresher courses**

- (a) Refresher courses shall be administered only to a person who holds or once held a practitioner’s license which he or she has allowed to lapse and who desires to prepare for an examination.
- (b) The school shall forward applications for registration cards to the Board for all persons desiring to enroll in refresher courses.
- (c) A student permitted by the Board to enroll in refresher courses shall comply with that particular school’s rules and with the rules of the Board.
- (d) Credit will not be given by the Board for refresher courses of less than 250 hours.

#### **13:28-6.26 Postgraduate courses**

- (a) Postgraduate courses shall be administered only to persons who presently hold a current practitioner’s license, or to persons who have completed 1,200 hours of training and were graduated but have not obtained their license and desire to obtain advanced education in the practice of cosmetology and hairstyling.
- (b) The school shall forward applications for student registration cards to the Board for all persons desiring to enroll in postgraduate courses.
- (c) A student permitted by the Board to enroll in postgraduate courses shall comply with that particular school’s rules and with the rules of the Board.
- (d) Credit will not be given by the Board for postgraduate courses of less than 250 hours.

#### **13:28-6.27 Clinical work prerequisites and limitations**

- (a) Any school performing clinical work shall display in a conspicuous place in the waiting room and senior room a sign readily visible and legible, stating: SERVICES DONE HERE BY SENIOR STUDENTS ONLY. This sign shall be in letters at least one inch high.

- (b) A school shall not permit its students to practice cosmetology and hairstyling on the public under any circumstances except by way of clinical work performed upon persons willing to submit themselves to such practice.
- (c) Before clinical work may be performed, the person to receive cosmetology and hairstyling services shall be advised by the teacher in charge that the operator is a senior student.
- (d) Theory shall be taught in every subject before a senior student may be permitted to perform clinical services upon any subject or model.
- (e) Clinical services may be performed upon the general public during the hours of school training daily from Monday to Saturday inclusive by senior cosmetology and hairstyling, senior manicuring and senior skin care specialty students only.
- (f) Senior students shall be prohibited from distributing appointment cards and soliciting or making appointments for services to patrons during school hours.
- (g) The instructor shall at all times be responsible for assigning subjects or models to the senior student.
- (h) Teachers shall not perform or complete any one or a series of services or receive compensation for services on patrons in school clinics.
- (i) Truthful, non-deceptive school advertisements for clinic patrons upon whom cosmetology and hairstyling services may be performed are permitted, provided however, that all such advertisements must clearly inform the prospective clinic client that the advertised services are to be performed by senior students under the supervision of licensed teachers.
- (j) Fees shall not be accepted from any person who acts as the subject or model for the purpose of a demonstration in school classes or clinics.
- (k) The school shall keep records or slips showing the number of cosmetology and hairstyling treatments or operations of clinical work by senior students. These records or slips shall be maintained and kept by the school on its premises as part of its official records.
- (l) Clinic hours may be determined by the school; provided, however, that at least one hour of classroom instruction for full-time students and one half hour of classroom instruction for part-time students must be scheduled for each day in addition to any scheduled clinic practice for such students.

**13:28-6.28 Curriculum for 500-hour course for barbers who wish to obtain a cosmetology-hairstyling license**

**TIME DISTRIBUTION FOR INSTRUCTION UNITS AND CLINICAL PRACTICE:**

	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
Make-up, Depilatory, Eyebrow Arching	15	45	60
Roller Control, Pin Curls, Fingerwaving, Back Combing	50	90	140
Bleaching including Frosting, Tipping & Streaks	50	70	120
	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
Permanent Waving	50	80	130
Manicuring & Pedicuring	15	35	50
TOTAL	180	320	500

**13:28-6.29 Curriculum for 1200 hour cosmetology and hairstyling course**

**TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:**

	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative			
Shop Operations	10	0	10
Sanitation & Sterilization	3	7	10
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	30	70	100
Shampooing including Temporary & Semi-Permanent Rinses	25	45	70
Hair and Scalp treatments, reconditioning Treatments	15	40	55
Hair & Basic layer & Clipper Cut Razor, Scissors, Thinning Shears, Tapering	40	130	170
Hairstyling including Pin Curls, Fingerwaving, & Blow Waving	30	150	180

	<b><u>Hours of Class and Subject Related Instruction</u></b>	<b><u>Hours of Practical Instruction</u></b>	<b><u>Total</u></b>
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	35	110	145
Permanent Waving	30	100	130
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	15	45	60
Manicuring & Pedicure	50	100	150
Chemistry Relating to Cosmetology	30	0	30
<b>TOTAL</b>	<b>343</b>	<b>851</b>	<b>200</b>

**13:28-6.30 Curriculum for 25 hour shaving course for beauticians who wish to obtain a cosmetology-hairstyling license**

**TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE**

	<b>Theory</b>	<b>Practical</b>	<b>Total</b>
Shaving Course Outline:	10	15	25

**13:28-6.31 Curriculum for 500 hour teacher training course**

**TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE**

	<b><u>Hours of Class And Subject Related Instruction</u></b>	<b><u>Hours of Practical Instruction</u></b>	<b><u>Total</u></b>
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	5	0	5
Sanitation & Sterilization	5	0	5
	<b><u>Hours of Class And Subject Related Instruction</u></b>	<b><u>Hours of Practical Instruction</u></b>	<b><u>Total</u></b>
Facials, Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	15	15	30
Shampooing including Temporary & Semi-Permanent Rinses	5	10	15
Hair and Scalp Treatments, Reconditioning Treatments	5	10	15

Hair & Basic Layer & Clipper Cut Razor, Scissors, Thinning Shears, Tapering	10	30	40
Hairstyling including Pin Curls, Fingerwaving & Blow Waving	10	30	40
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	10	20	30
Permanent Waving	10	20	30
Chemical Relaxing & Pressing Thermal Curling & Waving	10	25	35
Manicuring & Pedicuring	10	20	30
Chemistry Relating to Cosmetology	10	0	10
Teaching Methods	40	100	140
Motivation & Learning	10	0	10
Testing	10	0	10
Teacher Preparation	15	0	15
Instruction Evaluation	20	0	20
Classroom Management	20	0	20
TOTAL	220	280	500

### **13:28-6.32 Curriculum for Board administered and approved teacher shaving course**

#### **TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:**

	<b>Theory</b>	<b>Practical</b>	<b>Total</b>
Shaving Course Outline:	10	15	25

### **13:28-6.33 Curriculum for 300 hour manicuring course**

#### **TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE**

	<b>Hours of Class And Subject Related Instruction</b>	<b>Hours of Practical Instruction</b>	<b>Total</b>
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	10	0	10
State Board Examination	5	10	15
Professionalism, Safety and Health	5	0	5
Sanitation, Sterilization and Bacteriology	10	5	15
Manicuring and Pedicuring	10	40	50
Diseases and Disorders of the Nail	10	0	10
Anatomy of the Hand, Arm, Foot and Leg	10	0	10
Nail Tips and Extensions	5	20	25
Nail Wraps	5	20	25
Nail Gels	5	10	15

Sculptured Nails	10	30	40
Nail Art	5	5	10
The Skin and its Diseases	5	0	5
	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
Removal of Unwanted Hair	10	30	40
Salon Management	10	0	10
First Aid	5	0	5
Chemicals and Chemistry Relating to Products	10	0	10
TOTAL	130	170	300

### **13:28-6.34 Curriculum for 600-hour skin care specialty course**

#### **TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE**

	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
State Laws, Rules and Regulations for Cosmetology and Hairstyling Administrative Shop Operations	10	0	10
Orientation, Safety and Health and Professionalism	10	0	10
Bacteriology, Sanitation and Sterilization	20	5	25
Anatomy, Physiology and Nutrition	40	0	40
Structure and Functions of Skin	25	0	25
Superfluous Hair	10	30	40
Chemistry Related to Skin Care	40	0	40
Electricity and Machines	15	40	55
Facial and Body Procedures	50	125	175
	<b>Hours of Class And Subject Related <u>Instruction</u></b>	<b>Hours of Practical <u>Instruction</u></b>	<b><u>Total</u></b>
Make-up Techniques and Corrective Make-up Techniques (post-surgical)	50	100	150
Business Practices and Job Skills	30	0	30
Total Hours	300	300	600

### **13:28-6.35 Bond for schools of cosmetology and hairstyling**

- (a) Each school of cosmetology and hairstyling licensed by the Board shall post a bond in favor of the State in an amount to be determined as follows:

1. Schools with an average weekly enrollment of 1 to 20 Studentsq ..... \$10,000
2. Schools with an average weekly enrollment of 21 to 75 students ..... \$15,000
3. Schools with an average weekly enrollment of over 75 students ..... \$20,000

### **13:28-6.36 Annex classrooms**

(a) An application for approval of a school of cosmetology and hairstyling to conduct an annex classroom separate and apart from the licensed main facility for specific training activities shall be submitted on an application form prescribed and provided by the Board. The application shall specify the location of the annex classroom and the type of instruction to be conducted in the annex classroom, whether cosmetology and hairstyling, manicuring, or skin care specialty.

1. A licensed school may not have more than one annex classroom. It may be used only by the school under which it is licensed.
2. An inspection of the annex classroom shall be made by an inspector after the minimum equipment has been installed therein, and a report of such inspection shall be made to the Board before a school may be authorized to operate.
3. Schools shall submit a new application pursuant to this rule and obtain Board approval prior to changing the type of instruction offered in the annex classroom.
4. Schools making application to include an annex classroom in their initial school license application will not be charged a separate application fee. Schools making application for an annex classroom after their initial license is issued shall be required to pay a separate application fee.

(b) The minimum requirements for an annex classroom are as follows:

1. The minimum floor space in any annex classroom shall be at least 500 square feet, excluding offices, reception, locker and lavatory space, for the first 25 students.
  - i. For every student thereafter, there shall be 20 square feet of floor space per cosmetology and hairstyling student and 25 square feet of floor space per skin care specialty student.
  - ii. The space provided for any annex classroom shall not be considered part of the minimum space required for a school license and shall not exceed 30 percent of the square footage of its main school.
2. Each annex classroom shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations. The minimum equipment required for all annex classrooms shall include: an ultraviolet sterilizer, a chalk board, one locker per student, separate lavatory facilities for men and women with toilets and sinks having hot and cold running water, a library of texts and reference books and such other necessary equipment in accordance with the approved curriculum. In addition, annex classrooms shall conform to the following equipment standards:
  - i. An annex classroom approved for instruction in cosmetology and hairstyling shall include: work stations for at least 25 students or for the actual number of students in attendance, whichever is greater, two shampoo bowls and chairs, two dryers, two styling chairs, a manicure station, a utility table with disposable sanitary covering, a make-up stool, a facial



- steamer, a suction machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing machine, a spray machine, a Wood's lamp, and a high frequency instrument.
- ii. An annex classroom approved for instruction in manicuring shall include: a manicuring table for every two students, two basins, a foot bath, a utility table with disposable sanitary covering, and a waxing machine.
  - iii. An annex classroom approved for instruction in skin care specialty shall include: a facial table for every two students, two basins, one utility table with disposable sanitary covering for every two students, a make-up stool, a facial steamer, a suction machine, a galvanic machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing machine, a spray machine, a Wood's lamp, and a high frequency instrument.
3. The maximum distance permitted between the annex classroom and the main facility shall be one mile; and students must be informed prior to enrollment that a portion of their training may be given at the annex facility.
  4. Specific training activities permitted at the annex classroom facilities shall be limited to lectures, demonstrations, examinations, work on mannequins, and use of films, tapes, records and written materials. No clinical work on patrons or models (except for lecture/demonstration purposes with proper equipment) shall be permitted, except that instructors or lecturers are permitted to work on models and students may perform work on other students.
  5. Students may complete no more than the first 50 percent of the total number of clock hours required for their course of study at the annex classroom. Clock hours completed at the annex classroom shall be recorded on sign-in sheets which must be kept separate and distinct from the sign-in sheets for clock hours completed at the main facility.
  6. The ratio of licensed teachers present and on the premises to students in attendance at an annex classroom shall be at least one licensed teacher for every 25 students or less, and one additional licensed teacher for every additional 25 students or less after the first 25.
  7. All health, safety, sanitary and operating regulations applicable to licensed schools of cosmetology and hairstyling are applicable to annex classrooms unless otherwise specified.
- (c) Upon receipt of an application for approval of a school of cosmetology and hairstyling to operate an annex classroom, the Board shall inform the applicant in writing that the application is either complete and accepted for filing or deficient with an explanation of the specific information or documentation required to complete the application. A complete application is one in which a completed application form, including all required information and documentation, has been filed by the applicant. Required information and documentation is as follows:
1. A floor plan;
  2. A copy of the lease;
  3. A listing of equipment;
  4. Name(s) and license number(s) of the teacher(s) employed to teach at the annex;
  5. Copies of the fire and building inspection reports; and
  6. Proof of liability and bond coverage for the annex location and the students attending classes there.

- (d) After reviewing a completed application and the report of inspection, the Board shall inform the applicant in writing of its decision regarding approval of an annex classroom.

## DEPT. OF LAW AND PUBLIC SAFETY

### CHAPTER 45C. UNIFORM REGULATIONS

#### SUBCHAPTER 1. LICENSEE DUTY TO COOPERATE AND TO COMPLY WITH BOARD ORDERS

##### **13:45C-1.1 Applicability, scope and definitions**

- (a) This subchapter shall apply to all licensees of any board, committee or sub-unit within the Division of Consumer Affairs.
- (b) For the purpose of this subchapter, “licensee” shall mean any licensee, permittee, certificate holder or registrant of:
  - 1. The Division of Consumer Affairs;
  - 2. Any professional or occupational licensing board within the Office of Professional/Occupational Boards and any committee, or other subunit of a board or committee located within the Division;
  - 3. The Office of Consumer Protection; or
  - 4. The Legalized Games of Chance Control Commission.

##### **13:45C-1.2 Licensee’s duty to cooperate in investigative inquiries**

- (a) A licensee shall cooperate in any inquiry, inspection or investigation conducted by, or on behalf of, a board, the Director or the licensee’s licensing agency into a licensee’s conduct, fitness or capacity to engage in a licensed profession or occupation where said inquiry is intended to evaluate such conduct, fitness or capacity for compliance with applicable statutory or regulatory provisions.
- (b) A licensee’s failure to cooperate, absent good cause or *bona fide* claim of a privilege not identified in N.J.A.C. 13:45C-1.5 as unavailable, may be deemed by the board, the Director, or the licensing agency to constitute professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) or the agency’s enabling act and thus subject a licensee to disciplinary action pursuant to N.J.S.A. 45:1-21(h) or the agency’s enabling act.

##### **13:45C-1.3 Specific conduct deemed failure to cooperate**

- (a) The following conduct by a licensee may be deemed a failure to cooperate and, therefore, professional or occupational misconduct and grounds for suspension or revocation of licensure:
  - 1. The failure to timely respond to an inquiry to provide information in response to a complaint received concerning licensee conduct;
  - 2. The failure to timely provide records related to licensee conduct;
  - 3. The failure to attend any scheduled proceeding at which the licensee’s appearance is directed. In the event that a licensee elects to retain counsel for the purpose of representation in any such proceeding, it shall be the licensee’s responsibility to do so in a timely fashion. The failure of a licensee to retain counsel, absent a showing of good cause therefor, shall not cause an adjournment of the proceeding;

4. The failure to timely respond or to provide information requested pursuant to a demand under N.J.S.A. 45:1-18 or other applicable law or to provide access to any premises from which a licensed profession or occupation is conducted. Included within this paragraph shall be the failure to respond to any demand for statement or report under oath, the failure to permit the examination of any goods, ware or item used in the rendition of the professional or occupational service and the failure to grant access to records, books or other documents utilized in the practice of the occupation or profession;
5. The failure to answer any question pertinent to inquiry made pursuant to N.J.S.A. 45:1-18 or other applicable law unless the response to said question is subject to a *bona fide* claim of privilege;
6. The failure to make proper and timely response by way of appearance or production of documents to any subpoena issued pursuant to N.J.S.A. 45:1-18 or as may otherwise be provided by law; or
7. The failure to provide to the Board, the Director or the licensing agency timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

#### **13:45C-1.4 Failure to comply with Board orders as professional or occupational misconduct**

The failure of a licensee to comply with an order duly entered and served upon the licensee or of which the licensee has knowledge shall be deemed professional or occupational misconduct.

#### **13:45C-1.5 Unavailability of privileges in investigative or disciplinary proceedings**

- (a) In any investigative inquiry conducted pursuant to N.J.S.A. 45:1-18 or in any disciplinary proceeding conducted pursuant to N.J.S.A. 45:1-21, or as may otherwise be authorized by law, the physician-patient privilege, psychologist-patient privilege, marriage and family therapist-client privilege, professional counselor-client privilege, associate counselor-client privilege, social worker-client privilege and the alcohol and drug counselor-client privilege shall be unavailable.
- (b) Any statements or records otherwise subject to a claim of the stated privileges which may be obtained by the Board, its agent or the Attorney General pursuant to N.J.S.A. 45:1-18 shall remain confidential and shall not be disclosed unless so ordered by a court of competent jurisdiction, the appropriate licensing board or the Office of Administrative Law in a contested case.

#### **13:45C-1.6 Maintenance of and access to statements, records or other information that is subject to a privilege declared unavailable**

- (a) Any statements, records or other information which may be subject to any privilege declared unavailable in this subchapter shall be maintained in a secure place and manner by:
  1. The evidence custodian within the Division of Consumer Affairs, Enforcement Bureau;
  2. The professional or occupational licensing board and the committee or other subunit of a board or committee located within the Division which has a direct connection with, or a need for access to, the matter to which the statements, records or other information pertain; or
  3. A Deputy Attorney General.

- (b) Except as may be otherwise ordered as provided in the subchapter, access to statements, records or other information shall be afforded only to employees of the Attorney General, the Enforcement Bureau, or the Board or other subunit of the Division having a direct connection with, or a need for access to, the matter to which the statement, records or other information pertain.
- (c) The statements, records or other information shall be retained only for the period of time during which an investigation remains open or until the completion of all administrative or judicial proceedings relating thereto, at which time they shall be returned to the licensee or other person from whom they were obtained. ¶ In the absence of such licensee or other person, the statements, records or other information shall be returned to the patient, where appropriate.